

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:) Case No. 17-60495
)
Richard Allen Solberg dba)
Solberg Farms Minnesota)
)
Debtor.)

**BREMER BANK'S MOTION FOR LEAVE TO CONDUCT 2004 EXAMINATIONS OF
THE DEBTOR, RICHARD SOLBERG, HIS NEW JOINT VENTURE PARTNER,
KASEY SOLBERG, AND PARTIES PROVIDING CASH FLOW ANALYSIS FOR
RICHARD SOLBERG AND KASEY SOLBERG NEW JOINT VENTURE**

Bremer Bank, by and through its attorneys of record, Brad A. Sinclair, of Kaler Doeling, LLLP, for its motion for relief to conduct 2004 Examinations of Richard Solberg, Kasey Solberg, and parties assisting both Richard and Kasey Solberg in cash flow analysis of their new joint venture, respectfully states and alleges to the Court as follows:

1. This Chapter 11 case was commenced on August 11, 2017.
2. That the Debtor to date has not filed a disclosure statement, nor plan of reorganization. Presently before the Court is the Debtor's motion for use of Bremer Bank's cash collateral. The Debtor's motion for cash collateral now asserts that the Debtor's farming operation can now cash flow by merging the Debtor's farming operation with the Debtor's son's operation, Kasey Solberg.
3. The Debtor's motion or use of cash collateral fails to disclose:
 1. How the joint venture agreement between the Debtor and Debtor's son will operate;
 2. The Debtor's son's obligations;

3. The Debtor's son's historical cash flow results;
4. The Debtor's historical cash flow monies available to repay indebtedness;
5. The number of acres the son farms;
6. Kasey Solberg's farming operations' obligations;
7. The status of Kasey Solberg returning to Richard Solberg farming operation all income received from 850 acres of Lake of the Woods land in which Kasey Solberg received the crop insurance proceeds but Richard Solberg paid the crop inputs; and Richard Solberg requests Bremer Bank cash collateral be used to pay the landlord and treat it as an expense of Richard Solberg's Chapter 11 bankruptcy proceedings;
8. Any loan commitment information from Kasey Solberg's alleged 2018 crop input provider, Border State Bank; and
9. Norcan's commitment to provide inputs for 2018.

4. Due to the Debtor's lack of information contained in the Debtor's motion for use of Bremer Bank's collateral, it is imperative that Bremer Bank take the deposition of Richard Solberg, Kasey Solberg and any party assisting Richard and Kasey Solberg's new joint venture with cash flow analysis.

5. Bremer Bank also seeks to take the deposition of Richard Solberg and Kasey Solberg for Bremer Bank's motion to dismiss the Debtor's Chapter 11 bankruptcy proceedings. The depositions of Kasey Solberg and Richard Solberg are necessary in

order to confirm that the combined farming operations still cannot cash flow and pay the obligations of both Richard Solberg and Kasey Solberg.

6. Bremer Bank will be objecting to the Debtor's motion for use of cash collateral. It is evident that an evidentiary hearing regarding the matter will have to be held in March, 2018. Bremer Bank's motion for dismissal of the Debtor's Chapter 11 bankruptcy proceedings are also presumed to be scheduled for an evidentiary hearing in March, 2018.

7. In order to prepare for the evidentiary hearing regarding the Debtor's motion for use of Bremer Bank's cash collateral and Bremer Bank's motion for dismissal of the Debtor's Chapter 11 bankruptcy proceedings, it is imperative for Bremer Bank take the deposition of the Debtor, Richard Solberg and his new joint venture partner, Kasey Solberg, and all parties providing both Richard and Kasey Solberg with cash flow analysis for the new joint venture.

8. The Debtor's son's operations is not disclosed in the Debtor's bankruptcy schedules.

9. The Debtor has not filed a disclosure statement nor a plan of reorganization.

10. It is evident from the Debtor's 2013 through 2017 historical results, the Debtor cannot cash flow the Debtor's present farm operations.

11. A deposition of the Debtor is necessary in order to confirm that the Debtor's present farm operations in the Debtor's new anticipated joint venture with his son still cannot cash flow the Debtor's obligations outstanding to creditor in addition to the Debtor's farming operation generally.

12. It is imperative to discover all aspects of Kasey Solberg's farm operation income and expense from his operations, and the new combined farm operations proposed income, expenses, and income to be generated to pay creditors.

13. Bremer Bank also seeks the deposition of Richard Solberg for the evidentiary hearings regarding the Zaitz Trust's motion for secured claim in the amount of \$176,000 and Norcan's motion for reconsideration of the First Cash Collateral Agreement in which Norcan is asserting a secured claim now in the amount of \$289,000, allegedly superior and paramount to that of Bremer Bank.

14. Bankruptcy Rule 2004 expressly permits inquiry into the liabilities and financial condition of the debtor or into any matter which may affect the administration of a debtor's estate. In Re Rosenberg, 303 B.R. 172, 175 (B.A.P. 8th Cir. 2004).

The scope of a Rule 2004 examination is broader than the scope of discovery under Rule 26 of the Federal Rules of Civil Procedure. In RE Apex Oil Co., 101 B.R. 92, 102 (Bankr. E.D. Mo. 1989). "The exploration can be in the nature of a fishing expedition. The examination may be exploratory and groping and may be as searching as appears proper." Id. see also In Re French. 145 B.R. at 992 ("Bankruptcy Rule 2004 is designed to be a quick 'fishing expedition' into general matters and issues regarding the administration of the bankruptcy case, . . ."). The request for discovery concerning debtor's assets and financial affairs may including examination of the debtor and/or third parties. In RE Apex Oil Co., 101 B.R. at 102.

See also In Re Hentz, 2012 WL 2263121, ¶2 (Bankr. N.D. 2012).

15. WHEREFORE, Bremer Bank respectfully requests that this Court enter an order granting Bremer Bank leave to examine the Debtor, Richard Solberg, and the Debtor's son, Kasey Solberg, Richard Solberg's new joint venture partner, and parties who have provided both Richard and Kasey Solberg with cash flow analysis in addition

to compelling the production of various documents within the scope of Bankruptcy Rule 2004.

KALER DOELING, PLLP

Dated: January 10, 2018

/s/ Brad A. Sinclair

Brad A. Sinclair, (MN# 161652)

329 Interstate Boulevard

P.O. Box 9231

Fargo, ND 58106

Telephone: 701-232-8757

Facsimile: 701-232-0624

e-mail: brad@kaler-doeling.com

ATTORNEY FOR BREMER BANK

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:)	Case No. 17-60495
)	
Richard Allen Solberg dba)	
Solberg Farms Minnesota)	
)	
Debtor.)	

**NOTICE OF OPPORTUNITY FOR HEARING ON BREMER BANK'S MOTION FOR
LEAVE TO CONDUCT RULE 2004 EXAMINATION OF THE DEBTOR,
RICHARD SOLBERG, KASEY SOLBERG AND RICHARD AND KASEY SOLBERG'S
CASH FLOW CONSULTANTS**

1. Bremer Bank has filed a motion for leave to conduct 2004 examinations of Richard Solberg, Kasey Solberg, and Richard and Kasey Solberg's cash flow consultants.

2. The court will hold a hearing on this motion at 2:00 p.m., on Tuesday, January 30, 2018, in Courtroom #2 at the United States Courthouse at 118 South Mill Street, Fergus Falls, Minnesota.

3. Any response to this motion must be filed and served no later than 9:00 a.m., on Thursday, January 25, 2018, which is five (5) days before the time set for the hearing (including Saturdays, Sundays and holidays). Unless a response opposing the motion is timely filed, the court may grant the motion without a hearing.

KALER DOELING, PLLP

Dated: January 10, 2018

/s/ Brad A. Sinclair

Brad A. Sinclair, (MN# 161652)

329 Interstate Boulevard

P.O. Box 9231

Fargo, ND 58106

Telephone: 701-232-8757

Facsimile: 701-232-0624

e-mail: brad@kaler-doeling.com

ATTORNEY FOR BREMER BANK

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:)	Case No. 17-60495
)	
Richard Allen Solberg dba)	
Solberg Farms Minnesota)	
)	
Debtor.)	

ORDER GRANTING MOTION FOR RULE 2004 EXAMINATION

Creditor, Bremer Bank, having filed a motion to conduct 2004 examinations pursuant to Rule 2004 of Federal Rules of Civil Procedure of the Debtor, Richard Solberg, the Debtor's son, Kasey Solberg, and parties who have assisted Richard Solberg and Kasey Solberg with cash flow analysis. Upon review of the motion, the court finds cause for granting Bremer Bank's Motion for 2004 Examinations.

THEREFORE, it is hereby ordered that Bremer Bank's motion to conduct a 2004 examinations of the Debtor, Richard Solberg, son Kasey Solberg, Richard Solberg's new joint venture partner, and all parties who have assisted Richard Solberg and Kasey Solberg in preparing and examining cash flow analysis for a combined farm operation is hereby granted.

IT IS FURTHER ORDERED that Bremer Bank may issue a subpoenas as provided under Rule 9016 to compel testimony and documents within the scope of Rule 2004.

IT IS ALSO ORDERED the examination will be conducted at a time and location convenient to all parties.

Dated this _____ day of January, 2018.

Michael E. Ridgway
Judge of the United States Bankruptcy Court
for the District of Minnesota

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:) Case No. 17-60495
)
)
Richard Allen Solberg dba)
Solberg Farms Minnesota)
)
Debtor.)

CERTIFICATE OF SERVICE

I, Sherry Michelson, being first duly sworn and under oath, depose and say: I am of legal age, a citizen of the United States and not a party to the action herein; that on the 10th day of January, 2018, I served the following documents:

BREMER BANK'S MOTION FOR LEAVE TO CONDUCT 2004 EXAMINATIONS OF THE DEBTOR, RICHARD SOLBERG, HIS NEW JOINT VENTURE PARTNER, KASEY SOLBERG, AND PARTIES PROVIDING CASH FLOW ANALYSIS FOR RICHARD SOLBERG AND KASEY SOLBERG NEW JOINT VENTURE;

NOTICE OF OPPORTUNITY FOR HEARING ON BREMER BANK'S MOTION FOR LEAVE TO CONDUCT RULE 2004 EXAMINATION OF THE DEBTOR, RICHARD SOLBERG, KASEY SOLBERG AND RICHARD AND KASEY SOLBERG'S CASH FLOW CONSULTANTS; and

PROPOSED ORDER GRANTING MOTION FOR RULE 2004 EXAMINATION

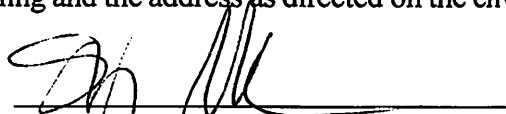
electronically on the person listed below via CM/ECF:

- Erik A Ahlgren erikahlgren@charter.net, trustee@prtcl.com
- Jon R. Brakke jbrakke@vogellaw.com, jnona@vogellaw.com; parmstrong@vogellaw.com; sthompson@vogellaw.com
- James M Cailao jcailao@vogellaw.com, ldanielson@vogellaw.com; jnona@vogellaw.com
- Benjamin J. Court benjamin.court@stinson.com, aong.moua@stinson.com; jess.rehbein@stinson.com
- Michael S. Dove mdove@gislason.com, kgleisner@gislason.com; jburgau@gislason.com
- Kevin T Duffy duffylaw@mncable.net
- Michael R Fadlovich michael.fadlovich@usdoj.gov
- Alan B Fish alanfish@alanbfishpa.com
- Andrew J. Glasnovich andrew.glasnovich@stinson.com
- Bradley J. Halberstadt bankruptcy@szjlaw.com
- Roger J. Minch rminch@serklandlaw.com, lladwig@serklandlaw.com
- Brad A. Sinclair brad@kaler-doeling.com, sherry@kaler-doeling.com
- US Trustee ustpreion12.mn.ecf@usdoj.gov

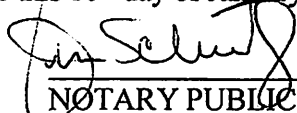
and on the person(s) listed below by placing a true and correct copy of said documents in an envelope:

RICHARD SOLBERG
17591 STATE HWY 11
GREENBUSH, MN 56726

and deposited same, with postage fully prepaid thereon, in the United States mails at Fargo, North Dakota, for delivery by the United States Post Office Department as directed on the envelope; that there is regular mail service between the place of mailing and the address as directed on the envelope.


Sherry Michelson

Subscribed and sworn to before me this 10th day of January, 2018.


NOTARY PUBLIC
Cass County, ND

